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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL CHARLES SMITH,

Defendants.

CASE NO. 1:24-CR-00079-KES-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through her counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on August 28, 2024.
2. By this stipulation, defendant now moves to vacate the status conference, schedule a change of plea on September 16, 2024, and to exclude time between August 28, 2024, and September 16, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts the discovery associated with this case includes reports, photographs, and recordings; initial discovery has been provided to defense counsel. The Government will continue to provide necessary discovery to Mr. Smith and is aware of its

discovery obligations.

b) The parties reached a plea agreement in this case. Dkt 23. The parties request to schedule a change of plea, taking into account the parties' availability and the Court's availability. The parties therefore request to schedule the change of plea on September 16, 2024.

c) The defendant also asks the Court to exclude time between August 28, 2024, and September 16, 2024, to account for time necessary for effective preparation for sentencing, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 28, 2024 to September 16, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 21, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ARIN C. HEINZ
ARIN C. HEINZ
Assistant United States Attorney

Dated: August 21, 2024

/s/ JARRETT CLINE
JARRETT CLINE
Counsel for Defendant
MICHAEL CHARLES SMITH

FINDINGS AND ORDER

IT IS SO ORDERED that the status conference set for August 28, 2024, is vacated. A change of plea hearing is set for **September 16, 2024, at 9:30 a.m. in Courtroom 6 before the District Court Judge Kirk E. Sheriff**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **August 22, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE